IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Bail Appl..No. 4611 of 2007(B)

CRIME NO. 329/2007 of KANNUR TOWN POLICE STATION

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PETITIONER/2ND ACCUSED

K.RASHEED, S/O HAMSA,
AGED 25 YEARS, WORKING AS FISHERMAN,
NIYAL QUARTERS, THAYYIL KANNUR CITY.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

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1. STATE OF KERALA, REP.BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE STATION HOUSE OFFICER,
KANNUR TOWN POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4611 of 2007

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Dated this the 30th day of July, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. He faces allegations inter alia, under Section 397 IPC. The alleged incident took place on 04.07.07. The petitioner was arrested and continues in custody from 06.07.07.

2. The crux of the allegation is that the defacto complainant was talking to some other person over his mobile phone near the bus stand at about 11.30 p.m. Two persons came on a motor cycle and allegedly robbed of his mobile phone and cash. The defacto complainant had no prior acquittance with the miscreants. Number of the motor cycle was noted and conveyed to the police. Later the petitioner was arrested on 6.7.07. Investigation is in progress. The co-accused has already been arrested by now. The learned counsel for the petitioner prays that regular bail may now be granted to the petitioner.

2. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the investigation is in progress and the petitioner does not deserve to

be enlarged on bail at this early stage of investigation.

3. I find merit in the opposition by the learned Public Prosecutor and I am of the opinion that it is too early to consider the release of the petitioner on bail.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court or the Sessions court for bail again at a later stage of the investigation not, at any rate, prior to 13/08/2007. The Investigating Officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj